emigration of the colonists, for the Constitution had carefully abrogated one of its most important provisions in relation to testimony which the accused might offer. It could not be the rule which at that time prevailed in England, for England was then a foreign country, and her laws foreign laws. And the only known rule upon the subject which can be supposed to have been in the minds of the men who framed these acts of Congress was that which was then in force in the respective states, and which they were accustomed to see in daily and familiar practice in the state courts. And this view of the subject is confirmed by the provisions in the act of 1789, which refers its courts and officers to the laws of the respective states for the qualifications of jurors and the mode of selecting them. And as the courts of the United States were in these respects to be governed by the laws of the several states, it would seem necessarily to follow that the same principles were to prevail throughout the trial, and that they were to be governed in like manner, in the ulterior proceedings after the jury was sworn, where there was no law of Congress to the contrary.

'The courts of the United States have uniformly acted upon this construction of these acts of Congress, and it has thus been sanctioned by a practice of sixty years. They refer undoubtedly to English works and English decisions. For the law of evidence in this country, like our other laws, being founded upon the ancient common law of England, the decisions of its courts show what is our own common law upon the subject where it has not been changed by statute or usage. But the rules of evidence in criminal cases are the rules which were in force in the respective states when the judiciary act of 1789 was passed. Congress may certainly change it whenever they think proper, within the limits prescribed by the Constitution. But no law of a state made since 1789 can affect the mode of proceeding or the rules of evidence in criminal cases.'"

FEDERAL CRIMINAL LAW—FORGERY—PROOF OF SIGNATURE—COMPARISON OF HANDWRITING.—In *Withaup* v. *United States, supra,* the following statement of the law by Judge Vandevanter will repay careful attention:

"Proof of private writings by a comparison of hands or writings is a subject which has received the attention of the federal courts in several reported decisions. *Strother* v. *Lucas,* 6 Pet. 763, 767; *Rogers* v. *Riter,* 12 Wall. 317, 320; *Moore* v. *United States,* 91 U. S. 270; *Williams* v. *Conger,* 125 U. S. 397, 413; *Hickory* v. *United States,* 151 U. S. 303; *Stokes* v. *United States,* 157 U. S. 187, 193; *United States* v. *Craig,* 25 Fed. Cas. 682, No. 14,883; *Keyser* v. *Pickerel,* 4 App. D. C. 198; *United States* v. *Jones* (C. C.) 10 Fed. 469; *United States* v. *McMillan* (D. C.) 29 Fed. 247; *United States* v. *Mathias* (C. C.) 36 Fed. 892; *Medway's Case,* 6 Ct. Cl. 421; *Blewett's Case,* 10 Ct. Cl. 235. These decisions clearly establish that the common-law rule is as follows: (1) It is the general rule that evidence by comparison of hands is not admissible where the witness has no previous knowledge of the hand-

writing, but is called to testify merely from a comparison of hands. (2) The general rule has exceptions equally as well settled as the rule itself, one of which is that if a paper is in evidence in the case for some other purpose, and is admitted or satisfactorily proven to be in the handwriting of the party, or to bear his signature, the disputed writing may be compared therewith, and its genuineness inferred, or otherwise, from such comparison. (3) A paper, such as a pleading, recognizance, or the like, filed by a party to the case, bearing his signature, and forming part of the record or proceedings in the case of which the court takes judicial notice, may likewise be made the basis of comparison in determining the genuineness, or otherwise, of a writing attributed to that party. (4) Where the disputed writing is not of such antiquity that witnesses acquainted with the person's handwriting cannot be had, papers otherwise irrelevant to the issues, and not in the case as part of its record or proceedings, cannot be introduced in evidence merely for the purpose of instituting a comparison of handwriting. (5) Where a comparison is permissible, it may be made by the court and jury, with or without the aid of expert witnesses. The danger of fraud or surprise, and the multiplication of collateral issues, are the principal reasons for confining the rule within these limits."

CARRIERS—NEGLIGENCE—LIABILITY OF DOMINANT CARRIER FOR ACTS OF CONSTITUENT CARRIERS—CARS OVERLAPPING PLATFORM.—Since 1893 the stock of the Easton & Amboy R. R. has been owned by the Lehigh Valley Terminal R. R., and all the stock of the latter by the defendant, the Lehigh Valley R. R., which thus controlled the election of all directors and officers, and the general management of both subsidiary corporations. The potential and ultimate control of both was lodged in the defendant.

Where the lines of several railroad corporations are conducted as a single system they may constitute themselves a partnership for the business of traffic and as such will be liable upon the principle of the laws of agency. The dominant carrier is liable for all breaches of obligation by any of the other constituent carriers, especially when, as here, the dominant corporation ultimately derives all the profits and incurs all the losses arising from the traffic originating on any of the lines.

Plaintiff's decedent, a passenger for carriage having a ticket of defendant calling for transportation to Easton, Pa., from Alpha, N. J., was killed on the station platform at Alpha, while awaiting the arrival of the regular train which he intended taking, by a special train passing without stopping, whose cars overlapped the platform. *Held*, that the court did not err in charging that decedent had the right to assume generally that the train would not sweep him off, provided he used ordinary care and prudence, such instruction having been preceded by others which directed the attention of the jury to the inquiry whether decedent knew or had reason to know that passing cars would overhang the platform near the edge.

Upon the undisputed evidence plaintiff was entitled to have a verdict